

**FEDERAL PUBLIC DEFENDER'S OFFICE
WESTERN DISTRICT OF NEW YORK**

MARIANNE MARIANO
FEDERAL PUBLIC DEFENDER
marianne_mariano@fd.org

ANNE M. BURGER
SUPERVISORY ASST. FEDERAL PUBLIC DEFENDER
anne_burger@fd.org

28 EAST MAIN STREET
FIRST FEDERAL PLAZA, SUITE 400
ROCHESTER, NEW YORK 14614

585-263-6201
FAX: 585-263-5871

BUFFALO OFFICE
300 PEARL STREET, SUITE 200
BUFFALO, NEW YORK 14202
716-551-3341
716-551-3346-FAX

REPLY TO: ROCHESTER

July 12, 2024

VIA E-MAIL

Hon. Lawrence J. Vilardo
United States District Judge
United States Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: *United States v. Payton Gendron*, 22-CR-109-LJV, update regarding JSSA motion

Dear Judge Vilardo,

The Court previously asked us to provide an update regarding the status of the defense's JSSA motion filed on July 22, 2022. Please accept this response as the defense's update. As the Court will recall, the government does not oppose disclosure of items in category A. Further, we view as resolved our requests under Category A Items numbered 1, 3, 4, 5, and 12. *See* Dkts. 155, 169, 184. Accordingly, we propose that the Court order the Government to provide to us the letter described by Mr. Drier in conjunction with Item A15 within one week. The Court should further order Mr. Drier to provide Items 2, 6, 9, 15, 16, 20, 21 and 24 to us within three weeks.

Regarding item A24, Mr. Drier has informed us that redaction of these materials will be burdensome. In order to eliminate the time consuming nature of this process for the Court and the Jury Administrator, we are willing to agree to a restrictive protective order obviating the need for redaction. Accordingly, we will submit to the Court a proposed protective order governing these materials by July 19, 2024. This will enable Mr. Drier to provide us with unredacted materials within the three-week deadline issued by the Court.

The government has objected to the disclosure of items in category B. These outstanding issues are fully briefed and ripe for the Court's determination. We request that the Court schedule oral argument on these disputed issues.

Respectfully,

/s/Anne M. Burger
Anne M. Burger

Supervisory Assistant Federal Public Defender

/s/Sonya A. Zoglin

Sonya A. Zoglin

Assistant Federal Public Defender

/s/MaryBeth Covert

MaryBeth Covert

Senior Litigator

/s/Julie Brain

Julie Brain

Attorney at Law

cc: (all by E-Mail)

Brett A. Harvey, AUSA

Joseph M. Tripi, AUSA

Maeve Eileen Huggins, AUSA

Andrew J. Henning, AUSA

Caitlin M. Higgins, AUSA

Michael S. Warbel, Trial Attorney

Laura Blakemore Gilson, Trial Attorney